

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

PATRICK L. BLACK,)	
)	
Plaintiff,)	
)	
vs.)	NO. CIV-12-289-D
)	
MICHAEL J. ASTRUE, Commissioner,)	
Social Security Administration,)	
)	
Defendant.)	

ORDER

Plaintiff brought this action pursuant to 42 U.S.C. §405(g), seeking judicial review of the final decision of the Commissioner of the Social Security Administration (“Commissioner”) denying his application for disability benefits and supplemental security income benefits under the Social Security Act. Pursuant to 28 U. S. C. § 636(b)(1)(B), the matter was referred to United States Magistrate Judge Gary M. Purcell for initial proceedings.

On February 5, 2013, the Magistrate Judge filed a Report and Recommendation [Doc. No. 17] in which he recommended that the Commissioner’s decision be affirmed. Because Plaintiff timely objected to the Report and Recommendation, the matter is reviewed *de novo*.

This Court’s review of the Commissioner’s decision is limited, as the Court may not reweigh the evidence or substitute its judgment for that of the Commissioner, but must determine only if the correct legal standards were applied and if the decision is supported by substantial evidence in the record. *Bowman v. Astrue*, 511 F.3d 1270, 1272 (10th Cir. 2008); *Washington v. Shalala*, 37 F.3d 1437, 1439-40 (10th Cir. 1994). Substantial evidence is that which a reasonable person might deem adequate to support the ultimate conclusion. *Doyal v. Barnhart*, 331 F.3d 758, 760 (10th Cir. 2003). Evidence is not substantial for this purpose if it is “overwhelmed by other evidence in the record,”

constitutes a mere conclusion, or amounts to no more than a mere scintilla. *Branum v. Barnhart*, 385 F.3d 1268, 1270 (10th Cir. 2004); *Musgrave v. Sullivan*, 966 F.2d 1371, 1374 (10th Cir. 1992).

In the Report and Recommendation, the Magistrate Judge discussed in detail the findings set forth in the decision of the Administrative Law Judge (“ALJ”) and the evidence in the record. Judge Purcell concluded that the ALJ fully considered and evaluated all evidence in the record, and the ALJ committed no legal error.

Plaintiff’s objection to the Report and Recommendation raises essentially the same contention as set forth in his initial brief, as he argues the ALJ failed to adequately consider the combined effect of Plaintiff’s mental and physical impairments on Plaintiff’s ability to perform the full range of unskilled light work. Specifically, Plaintiff focuses on his mental impairments, arguing the ALJ disregarded evidence that Plaintiff’s occasional violent behavior renders him unable to perform any level of work.

This contention was addressed in some detail in the Report and Recommendation. The Magistrate Judge noted the ALJ concluded the evidence shows Plaintiff suffers from physical impairments resulting from disorders of the spine, and he has mental impairments caused by affective disorder and substance addiction disorder. However, the ALJ concluded the combination of these impairments does not render Plaintiff disabled within the meaning of the Social Security Act.

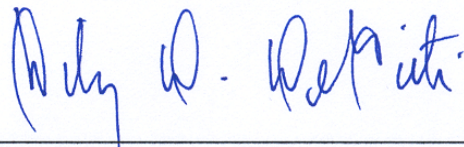
As the Magistrate Judge explained in the Report and Recommendation, the record reflects the ALJ reviewed the medical evidence and the psychiatric examination. The ALJ explained that he afforded great weight to the opinion of Dr. Massad, who completed a Psychiatric Review Technique form and Mental Residual Functional Capacity Assessment regarding Plaintiff. *See*

Report and Recommendation at pp.4-5. He also explained the reasons he did not find Plaintiff's mental condition, alone or in combination with his physical impairments, sufficient to render Plaintiff disabled. Included is his discussion of a comment in the records of Dr. Wood regarding Plaintiff's threatening demeanor. As the Magistrate Judge noted, the entire record reflects that this is the only medical or psychiatric record of any threatening behavior, and the other records reflect no suggestion of such behavior. Moreover, Plaintiff's treating physician noted that neurological and psychiatric examinations of Plaintiff were normal.

The Court agrees with the Magistrate Judge that the ALJ detailed his consideration of the medical evidence in the record, including that of Plaintiff's treating physician. The bases for the ALJ's findings regarding Plaintiff's medical and mental condition are explained in detail in the decision and summarized in the Report and Recommendation at pages 7 through 10. That summary accurately reflects the ALJ's decision and is adopted and need not be repeated herein.

As the Magistrate Judge explained, substantial evidence in the record supports the ALJ's conclusions regarding Plaintiff's mental impairments in combination with his physical impairments. The Court agrees, and further finds no error in the ALJ's decision. Accordingly, the Report and Recommendation [Doc. No. 17] is adopted as though fully set forth herein. The Commissioner's decision is affirmed.

IT IS SO ORDERED this 27th day of February, 2013.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE